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Review Staff: 75/3177  
9 October 1975

MEMORANDUM FOR THE RECORD

Bob Kelley of the Senate Select Committee staff called to say that he is in charge of assembling an opinion for the Senate Select Committee on the legal authority for Covert Action. By this he means such authority other than that contained in the National Security Act of 1947. He is also concerned with the power which Congress might have to place limitations on the Executive Branch in this area. Finally, he is concerned with the question of whether Covert Actions contravenes any international law or treaty to which the United States may be a party.

The Senate Select Committee has solicited opinions on this subject from some ten lawyers including, Walt Rostow, Louis Henken and Raoul Berger.

Kelley notes that the Agency's submissions on this subject are largely dated including a memorandum by Larry Houston and a memorandum by the Department of Justice dated 1962. He proposes to request the Agency to offer a fresh opinion on this subject and asks that the Agency also solicit similar opinions from other members of the intelligence community and lawyers in the Executive Branch as appropriate.



STATINTL

Review Staff

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<b>Remarks:</b> To George - I see a chance to make another contribution - Can some one update our arguments, with particularly our experience under FAA. But - GLC - my CA paper has 2 sections that can be used. OLC also has a lengthy paper on CA and international law - TW			
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- ① This is OGC's job -
- ② I don't know what our experience  
under FAA will contribute to brief,  
~~except for~~
- ③ We are dealing with President's  
authority, in some instances, under constitution,  
in some instance, under statutory authority, so I  
think the President's Council (Buckley)  
ought to be in on this at ground floor.  
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